

**MINUTES**  
**South Carolina Perpetual Care Cemetery**  
**Board Meeting**

10:00 a.m., Friday, November 16, 2018  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**Friday, November 16, 2018**

**1. Meeting Called to Order**

J. W. Russ, Chair, of Conway, called the meeting to order at 10:11 a.m. Other members participating during the meeting were: Russel Floyd, Vice Chair, of Spartanburg; Rick Riggins, of Lancaster; and Jacquelyn Petty, of Union.

Staff members participating in the meeting included: Monaca Harrelson, Administrative Assistant; Amy Holleman, Administrator; Mary League, Advice Counsel, Office of Advice Counsel; Sharon Wolfe and Rodney Pigford, Office of Investigations and Enforcement; Ashley Thompson, Disciplinary Counsel, Office of Disciplinary Counsel; and Buddy Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included Meghan Hayden and Leslie Wallace of Hillcrest Cemetery, Steve Jackson of Argent Trust, and Justin Wilson of Live Oak Bank..

**A. Public Notice**

Mr. Russ announced that public notice of this meeting was properly posted at the S. C. Perpetual Care Cemetery Board office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. He noted a quorum was present.

**B. Pledge of Allegiance**

**2. Introduction of Board Members and Persons Attending the Meeting**

Mr. Russ introduced himself, all Board members, and Advice Counsel. Mr. Russ requested that Ms. Holleman please introduce herself and her staff. Mr. Russ asked that all other persons attending the meeting introduce themselves.

**3. Approval of Excused Absences**

All Board members were in attendance.

**MOTION**

**4. Approval of Minutes for the September 3, 2015 and October 16, 2015 meetings**

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the September 18, 2018 meeting. Mr. Riggins seconded the motion, which carried unanimously.

**5. Chairman's Remarks – J. W. Russ**

Mr. Russ thanked everyone for attending the meeting.

## **6. Administrator's Remarks – Amy Holleman**

### **A. Financial Statements**

Ms. Holleman presented the financial statements to the Board for their review. Ms. Holleman noted the October 2018 ending cash balance for the Board was -\$168,958.94. Ms. Holleman noted that 22 renewals have already been processed for the 2019-2020 licensing period with a total of 91 expected to renew.

Ms. Holleman also updated that Board on the North American Death Regulators Conference that she recently attended, including "Dark Tourism" and how cemeteries are dealing with possible changes in trusting situations.

## **7. Reports**

### **A. Inspection Report – Ernest Adams**

Mr. Adams stated there were 22 inspections from September 8 through November 8, 2018.

### **B. Investigative Review Committee (IRC) Report – Rodney Pigford**

Mr. Pigford reported that the IRC reviewed two cases, both of which are recommended to be brought as formal complaints.

### **MOTION**

Mr. Floyd made a motion the Board accept the IRC recommendations, Mr. Riggins seconded, and the motion was carried unanimously.

### **C. Office of Investigation and Enforcement (OIE) Report – Rodney Pigford**

Mr. Pigford reported that of the cases received from January 1, 2018 through November 6, 2018, there are 22 active investigations, 156 Do Not Open cases, 18 cases pending Board action, and nine cases pending IRC. Thirty-six cases have been closed over the same time period with 156 Do Not Open cases resulting in 192 cases closed total.

### **D. Office of Disciplinary Counsel (ODC) Report– Ashley Thompson**

Ms. Thompson reviewed the Office of Disciplinary Counsel case log for the Cemetery Board and informed them that there are currently eight open cases, six pending action, two of which are being heard today, and three closed cases.

## **8. Application Hearing**

### **1. Transfer of Irrevocable Trust Account – Hillcrest Cemetery of Conway, Inc.**

Meghan Hayden, who waived right to counsel, and Justin Wilson spoke on behalf Hillcrest Cemetery. The cemetery's trust are currently held by the Trust Division of Live Oak Bank Company, which is being purchased by Argent Trust Company. The cemetery requests approval of the transfer of the trust.

### **MOTION**

Ms. Petty made a motion to approve the transfer, Mr. Riggins seconded, and the motion was carried unanimously.

## **9. Disciplinary Hearing**

A. Case Nos.: 2017-3, 2017-23 Red Hill Memorial Gardens, Inc.

The proceeding was recorded by a court reporter to produce a verbatim transcript should one be necessary.

Ms. Thompson represented the State and presented evidence and arguments. The Respondent was not present but evidence was shown of proper hearing notification.

### **Executive Session**

#### **MOTION**

Ms. Petty called for a motion to go into Executive Session to receive legal advice in this matter. Mr. Floyd seconded the motion, which carried unanimously.

### **Return to Public Session**

#### **MOTION**

Mr. Floyd made a motion that the Board return to public session. Ms. Petty seconded the motion, which carried unanimously.

Mr. Russ noted, for the record, there were no votes taken during executive session.

#### **MOTION**

Mr. Floyd made a motion and asked advice counsel to read the motion. Ms. League stated that the State proved its case for violation of S.C. Code Ann. Section 40-8-150(6) by willfully and specifically violating S.C. Code Section 40-8-220(B).

The Respondent is publicly reprimanded, is assessed a fine of One Thousand Dollars (\$1,000) to be paid within thirty (30) days from the date of the Order, and failure to comply may require further Board appearance and may affect the renewal of the Respondent's license. Mr. Riggins seconded and the motion passed unanimously.

## **10. Approval of Yearly Agreed Upon Procedure Report Form**

Ms. Holleman presented the Agreed Upon Procedure Report Form that has been updated for yearly usage.

#### **MOTION**

After reviewing the documents Mr. Floyd made a motion to approve the forms as amended with changes, including the correction to the Merchandise AUP as noted and approved at the September 9, 2017 meeting and to correct any inconsistent plurals in regards to "s" on "report". Mr. Riggins seconded the motion, which passed unanimously.

## **11. Approval of 2016 Board Meeting Dates**

Mr. Russ called for motion to approve the 2019 meeting dates. Mr. Floyd noted an issue with the March meeting date and proposed changing the date.

**MOTION**

Mr. Riggins made a motion to approve the following meeting dates for 2019: February 15, June 20, September 12, and November 19. Ms. Petty seconded, and the motion was passed unanimously.

**12. Election of Officers**

Mr. Russ opened the floor to nominations for Chairman and Vice Chairman.

**MOTION**

Mr. Riggins made a motion for Mr. Russ to serve as Chairman, Mr. Floyd seconded, and the motion was passed unanimously.

**MOTION**

Mr. Riggins made a motion for Mr. Floyd to serve as Vice Chairman, Ms. Petty seconded, and the motion was passed unanimously.

**MOTION**

Mr. Floyd made a motion to close the floor for nominations, Ms. Petty seconded, and the motion was passed unanimously.

**13. Public Comments (No Vote May Be Taken)**

No public comments.

**14. Adjournment**

**MOTION**

Mr. Floyd made a motion the Board adjourn. Mr. Riggins seconded the motion, which carried unanimously.

The November 16 2018, meeting of the SC Perpetual Care Cemetery Board adjourned at 12:49 p.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for February 15, 2019.